

**MILFORD BOARD OF ADJUSTMENT MINUTES – MARCH 4, 2004**

Present:        Len Harten, Chairman  
                 Rick Westergren, Vice-Chairman  
                 Kathleen Maher  
                 Katherine Bauer  
  
                 Shirley Carl, Recording Secretary

**Case # 3-04 - Joseph Raczek – 380 Nashua St. – Map 30, Lot 36 – Special Exception  
– Article II, Para. 2.031.C to expand a non-conforming use by constructing a 12x36’  
addition to an existing building.**

**Motion to approve** \_\_\_\_\_

**Seconded by** \_\_\_\_\_

**Signed** \_\_\_\_\_

**7:35 pm**

Chairman Harten informed Dr. Raczek that the Board was only comprised of four members and he had his choice to go forward with the case or table until the next meeting when a full board is available. He was apprised Dr. Raczek that if the case were denied, he couldn't use the fact that a full board wasn't present to request a rehearing. Dr. Raczek agreed and signed the waiver of quorum form.

Chairman Harten then opened the hearing by stating that the hearing is in accordance with the Town of Milford Zoning Ordinance and the applicable State Statutes.

The notice of hearing and abutter list was read into the record: Present – Joseph Raczek; no abutters.

Dr. Raczek presented his case:

1. He had requested and received a special exception on December 18, 2003, to add an 8x36' addition to his existing building.
2. Due to handicap accessibility requirements he found that in actuality he needed more space than the approved 288 SF addition.
3. The new size of the addition doesn't take away from parking, set-backs or anything that was discussed at the previous meeting.
4. It is still his intent to slope the back and there will be a sidewalk to both doors and it will make a nice office.

L. Harten asked Dr. Raczek if the 4' addition would work for him. The response being that it would work for now and into the foreseeable future. He advised the Board that he had been to the Planning Board and was approved in January 2004. When they found out about the ZBA, they needed to make an administrative approval. There were no other substantial issues by the Planning Board.

Dr. Raczek did address the criteria for the special exception.

They were basically the same as from Case #30-03 that was approved in December.

No further questions from either Dr. Raczek or the Board Members, voting took place.

1. Is the exception allowed by the Ordinance?  
K. Maher- Yes K. Bauer – Yes R. Westergren – Yes L. Harten – Yes
2. Are the specified conditions present under which the exception may be granted?  
K. Maher- Yes K. Bauer – Yes R. Westergren – Yes L. Harten – Yes

A motion was made by K. Bauer, seconded by R. Westergren and unanimously voted to approve the request.

There is a 30 day appeal period – April 5, 2004.

Hearing adjourned at 7:45 pm.